

MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 14, 2001  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
19925 TWENTY-THREE MILE ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL KOEHS, DEPUTY CLERK  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
KENNETH MEERSCHAERT, JR.

ABSENT: NORMAN J. SNAY, CLERK  
MARIE E. MALBURG, TREASURER  
CHARLES OLIVER  
(Attendance record on file with Clerk.)

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Deputy Clerk KOEHS called roll. Clerk SNAY, Treasurer MALBURG and Trustee OLIVER absent.

2. PLEDGE OF ALLEGIANCE

**MOTION by DUNN seconded by MEERSCHAERT to remove Clerk SNAY, Treasurer MALBURG and Trustee OLIVER from roll call votes.**

**MOTION carried.**

3. APPROVAL OF AGENDA ITEMS.

Additions:

15a. Request for Sanitary Sewer Extension Design for Sycamore Estates Subdivision.

Supervisors Comments

35b. FMLA request for Building Department Employee.

Tabled

13. Tentative Preliminary Plat; Turnberry Pointe Subdivision

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35a. Appointment of Planning Commission Board Members  
Executive Session

39. Sheff v Macomb Township

40. RPP v Macomb Township

**MOTION by DUNN seconded by BUCCI to approve agenda as amended.**

**MOTION carried.**

4. APPROVAL OF BILLS.

**MOTION by DUNN seconded by MEERSCHAERT to authorize payment of bills as submitted.**

**MOTION carried.**

5. APPROVAL OF MEETING MINUTES

**MOTION by DUNN seconded by BUCCI to approve minutes of January 24, 2001 as presented.**

**MOTION carried.**

6. Public Comments (Non Agenda items only – 3 minute time limit)

None

7. Resolution Approving Building Authority Contract Notice.

Supervisor BRENNAN reviewed the resolution and bond process for the Recreation Building and Park projects being contemplated.

Public Portion: None

Supervisor BRENNAN stated that Mr. Dennis Nieman presenting Miller & Canfield will be in attendance at the February 28<sup>th</sup>, 20001, meeting to explain the technical aspects of the bond issue.

**MOTION by DUNN seconded by MEERSCHAERT to adopt the Resolution Approving Building Authority Contract Notice.**

**FOR THIS MOTION: DUNN, MEERSCHAERT, BUCCI, BRENNAN**

**OPPOSED: NONE**

**ABSENT: SNAY, MALBURG, OLIVER**

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***RESOLUTION APPROVING  
BUILDING AUTHORITY CONTRACT NOTICE***

Township of Macomb  
**County of Macomb, State of Michigan**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan (the "Township"), held in said Township, on the 14<sup>th</sup> day of February, 2001, at 7:00 o'clock p.m., Eastern Standard Time.

PRESENT:     *Members:* John D. Brennan, Dino F. Bucci, Jr., Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT:     *Members:* Norman J. Snay, Marie Malburg, Charles Oliver

The following preamble and resolution were offered by Member DUNN and supported by Member MEERSCHAERT:

WHEREAS, there exists in and for the Township an imperative need to acquire, construct, furnish and equip a new Community Recreation Center, together with development and equipping of a public park, with site and parking improvements and all appurtenances and attachments therefore (the "Recreational Projects"); and

WHEREAS, this Township Board has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the Township to acquire and construct the Recreational Projects for the use of the Township; and

WHEREAS, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, provides through the procedures of building authority financing a means for the acquisition, construction and financing of the Recreational Projects; and

WHEREAS, the Township, in accordance with the provisions of said Act 31, as amended, has previously adopted Articles of Incorporation and has established the Macomb Township Building Authority (the "Authority"), with full powers to acquire and construct the Recreational Projects; and

WHEREAS, this Township Board determines it to be in the best interest of the Township to acquire, construct and finance the Recreational Projects through the Authority in accordance with the provisions of said Act 31, as

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amended; and

WHEREAS, a Contract between the Township and the Authority providing for the acquisition, construction and financing of the Recreational Projects and such matters as are deemed necessary thereto is in the process of being prepared, with the bonds to be issued in one or more series as shall be determined by the Township Board; and

WHEREAS, this Township Board is desirous of publishing a Notice of Intention of Entering into Contract of Lease so as to begin the statutory referendum period; and

WHEREAS, the Township intends, at this time to state its intentions to be reimbursed from proceeds of the bonds to be issued by the Authority for any expenditures undertaken by the Township for the Recreational Projects prior to issuance of the bonds; and

WHEREAS, prior to issuance of the bonds by the Authority, the Authority and the Township must either receive prior approval of such obligation from the Michigan Department of Treasury or receive an order of exception from prior approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board hereby determines it to be necessary for the public health, safety and welfare of the Township to acquire, construct, furnish and equip the Recreational Projects for the use of the Township.
2. This Township Board deems it to be in the best interest of the Township to finance all or part of the cost of acquiring and constructing the Recreational Projects through the Authority in accordance with the provisions of the aforesaid Act 31, as amended, in the amount of not to exceed Eighteen Million Dollars (\$18,000,000) with the remaining portion of the cost, if any, of the Recreational Projects being defrayed from Township funds on hand and legally available for such use.
3. The Notice of Intention of Entering into Contract of Lease as hereto attached shall be published in the *Macomb Daily*, a newspaper of general circulation in the Township, promptly upon adoption of this resolution, said Notice to appear as a display advertisement at least one-quarter (1/4) page in size.
4. The Township Board does hereby determine that the designated newspaper is the newspaper circulating in the Township which reaches the largest number of persons to whom the aforesaid

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Notice is directed and that publication of the aforesaid Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the Township of the Recreational Projects and the financing thereof. A copy of the Contract shall be placed on file in the office of the Township Clerk and shall be available for public examination no later than 30 days from the date of publication of said Notice of Intent.

5. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the Township reasonably expects to reimburse the Township for the expenditures described in (b) below with proceeds of debt to be incurred by the Authority.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Recreational Projects which were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (c) The maximum principal amount of debt expected to be issued for the Recreational Projects, including issuance costs, is \$18,000,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Recreational Projects are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the debt to be issued for the Recreational Projects to reimburse the Township for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the Township in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.
- (g) Expenditures for the Recreational Projects to be reimbursed for the proceeds of the borrowing for purposes of this resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of \$100,000 or five percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. §

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1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Recreational Projects, which items can be reimbursed from bond proceeds regardless of the adoption of this resolution, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction, which must fall within the parameters of this resolution to be reimbursed from bond proceeds).

6. The Supervisor, Clerk, and Treasurer are each authorized to notify the Department of Treasury of the Township's intent to pledge its limited tax full faith and credit to the bonds described in the preamble to this resolution, to pay the required filing fee and to request an order providing an exception for the bonds from prior approval by the Department of Treasury and to apply for any related waivers, or to request prior approval of the bonds if the exception from prior approval is not available.

7. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: *Members:* DUNN, MEERSCHAERT, BUCCI, BRENNAN

NAYES: *Members:* NONE

ABSENT: *Members:* SNAY, MALBURB, OLIVER

**RESOLUTION DECLARED ADOPTED.**

**PLANNING COMMISSION:**

8. Technical Change and Extension of the Tentative Preliminary Plat; Urban Meadows Subdivision; Located west of GTWRR and approximately 415 feet north of Hall Road; Section 36. Daniel J. Acciavatti, Petitioner. Permanent Parcel No. 08-36-376-002.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the technical change to the proposed subdivision and stated the recommendation of the Planning Commission.

Petitioner Present: Mr. Patrick Findlan of Lehner & Associates, Inc.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to grant the Technical Change to the Tentative Preliminary Plat for Urban Meadows Subdivision.**

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**MOTION carried.**

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed extension and stated the Planning Commissions recommendation to extend for one (1) year.

**MOTION by DUNN seconded by MEERSCHAERT to grant the Extension of the Tentative Preliminary Plat for Urban Meadows Subdivision for a period of one (1) year to expire February 14<sup>th</sup>, 2002.**

**MOTION carried.**

9. Tentative Preliminary Plat; English Gardens Subdivision No.2; Located east of Romeo Plank and approximately 782 feet south of 26 Mile Road; Section 5. Northern Macomb Development, Petitioner. Permanent Parcel No. 08-05-100-034.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve the plat for a period of one (1) year contingent upon the fulfilling of the standard conditions.

Petitioner Present: Al Vennettilli representing Civic Engineering

Public Portion: None

**MOTION by MEERSCHARET seconded by BUCCI to approve the Tentative Preliminary Plat for English Gardens Subdivision No.2 for the period of one (1) year (expiring February 14<sup>th</sup>, 2002) contingent upon posting the required bond and the fulfilling of the conditions recommended by the Planning Commission.**

**MOTION carried.**

10. Request for Extension of Tentative Preliminary Plat; Quadrate Corporate Park Subdivision No.2; Located north of 23 Mile Road and approximately 2600 feet east of Hayes Road; Section 18. Quadrate Development, LLC, Petitioner. Permanent Parcel No. 08-18-400-006.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed extension and stated the Planning Commissions recommendation to extend for one (1) year to January 29, 2002.

Petitioner Present: Mr. James D'Agostini

Public Portion: None

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**MOTION by MEERSCHART seconded by DUNN to grant an extension of the Tentative Preliminary Plat for Quadrate Corporate Park Subdivision No. 2 for the period of one (1) year to expire January 29, 2002.**

**MOTION carried.**

11. Request for Extension and Technical Change of the Tentative Preliminary Plat; Emerald Green Subdivision; (102 lots); Located ¼ mile south of 26 Mile Road and on the west side of Luchtman Road; Section 5. Frank Karam, Petitioner. Permanent Parcel No. 08-05-200-004.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed extension and stated the Planning Commissions recommendation to extend for one (1) year.

Petitioner Present: Mr. Patrick Findlan of Lehner & Associates

Public Portion: None

**MOTION by DUNN seconded by BUCCI to grant an extension of the Tentative Preliminary Plat for Emerald Green Subdivision for the period of one (1) year to expire March 22, 2002.**

**MOTION carried.**

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the technical change to the proposed subdivision regarding the retention basin and stated the recommendation of the Planning Commission.

Board discussion was held regarding access to the retention basin.

Public Portion: None

**MOTION by DUNN seconded by MEERSCHARET to grant the Technical Change to the Tentative Preliminary Plat for Emerald Green Subdivision.**

**MOTION carried.**

12. Request Extension and Technical Change of the Tentative Preliminary Plat; Winding Creek Subdivision; (265 lots); Located south of 26 Mile Road and ¼ mile west of Luchtman Road; Section 5. Pulte Land Development, Petitioner. Permanent Parcel No. 08-05-200-002.



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Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed extension and stated the Planning Commissions recommendation to extend for one (1) year.

Petitioner Present: Mr. Patrick Findlan of Lehner & Associates

Public Portion: None

**MOTION by DUNN seconded by MEERSCHAERT to grant an extension of the Tentative Preliminary Plat for Winding Creek Subdivision for the period of one (1) year to expire March 22, 2002.**

**MOTION carried.**

Mr. Bernard Lynden gave a brief description of the technical change to the proposed subdivision and to exclude the retention basin and stated the recommendation of the Planning Commission.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to grant the Technical Change to the Tentative Preliminary Plat for Winding Creek Subdivision.**

**MOTION carried.**

13. Tentative Preliminary Plat; Turnberry Pointe Subdivision; Located 430 feet west of Romeo Plank and 330 feet south of 22 Mile Road (extension of Turnberry Subdivision); Section 29. Paul Henderson, Petitioner. Permanent Parcel No. 08-29-226-021. (Tabled from meeting of 12-27-00).

Tabled as requested by the petitioner.

**MOTION by MEERSCHAERT seconded by DUNN to direct the matter back to the Planning Commission.**

**MOTION carried.**

14. Request to approve Construction Trailer located at the 21/Card Kroger site.

Mr. Bernard Lynden, Planning Consultant, reviewed the request and stated the recommendation of the Planning Commission.

Petitioner Present: Mr. Gary Wilson of Seerco Inc.

Public Portion: None

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**MOTION by MEERSCHAERT seconded by DUNN to approve the Construction Trailer located at the 21/Card Kroger site for a period of 90 days.**

**MOTION carried.**

**NEW BUSINESS:**

15. Request to adopt Resolution regarding Sign Bond Release; Planning Commission, Petitioner.

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by MEERSCHAERT seconded by DUNN to adopt the Resolution Releasing Sign Bonds Administratively.**

**Resolution Regarding Sign Bond Policy**

At a regular meeting of the Macomb Township Board of Trustees held on Wednesday February 14<sup>th</sup> 2001 at 7:00 PM.

The Macomb Township Board of Trustees resolved to adopt a policy of releasing Sign Bonds administratively upon proper required reviews of Building Department, Planning Department and Clerks Department.

This policy shall be effective immediately and will no longer require Planning Commission consideration.

**MOTION carried.**

- 15a. Request for Sanitary Sewer Extension Design for Sycamore Estates Subdivision; Polarity Land Development, LLC, Petitioner.

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by MEERSCHAERT seconded by BUCCI to grant the request and authorize the Township Engineering firm of Spalding DeDecker to prepare an cost estimate for the Sycamore Estates Subdivision Sanitary Sewer Extension.**

**MOTION carried.**

16. Engineers Report regarding status of permit from the Macomb County Public Works Commission regarding New Town Center.

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Mr. James VanTiflin of Spalding DeDecker reviewed the status of the permit and informed the Board that the petition, resolution and agreement which were approved by the Township Board at the December 27<sup>th</sup>, 2000 meeting have been executed. Mr. VanTiflin also stated that an advised agreement had been submitted by the County Drain Office which was reviewed and found acceptable and will be forwarded to the Board. That a pre-construction meeting will be scheduled and at that point the contractor can be officially notified that they can proceed.

17. Request adoption of Resolution regarding Middle Branch Watershed.

Supervisor BRENNAN reviewed the resolution.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to adopt the resolution as amended for the Middle Branch Watershed.**

**FOR THIS MOTION: DUNN, BUCCI, MEERSCHAERT, BRENNAN**  
**OPPOSED: NONE**  
**ABSENT: SNAY, MALBURG, OLIVER**

**Resolution Supporting  
Middle Branch Watershed**

At a regularly scheduled meeting of the Macomb Township Board of Trustees held in the Township Hall on the 14<sup>th</sup> day of *February 2001* at 7:00 PM in said Township, the following preamble and resolution were offered by member DUNN and supported by member BUCCI.

*Whereas*, Phase II of the Clean Water Act (CWA) requires that all municipalities considered to be "Small Municipal Separate Storm Sewer Systems (MS4s) by CWA designation, obtain a storm water permit by March of 2003; and,

*Whereas*, A MS4 community may receive coverage by obtaining either a jurisdictionally-based permit, or by participating with other municipalities and obtaining a water-based permit; and

*Whereas*, the above mandate is unfunded; and

*Whereas*, any community monies spent toward obtaining this permit would be most effective with careful planning beforehand; and,

*Whereas*, a Watershed Management Plan will provide our municipality with knowledge of our watershed, identify areas of concern and prioritize solutions; and,

*Whereas*, the following communities have expressed interest in participating in a watershed-based group, Middle Branch Watershed; *Macomb Twp., Shelby Twp., Utica, Washington Twp., Macomb County Office of Public Works; and,*

*Whereas*, the purpose of Middle Branch Watershed will be to apply for planning grants for and to oversee the development of a Watershed Management Plan.

*Be It Resolved*, that Macomb Township appoints, *John D. Brennan, Jerome Schmeiser and David Koss*, as representatives of Macomb Township to the *Middle Branch Watershed* for the purposes aforementioned.

**Ayes: DUNN, BUCCI, MEERSCHAERT, BRENNAN**

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Nays: NONE

Absent: SNAY, MALBURG, OLIVER

**Resolution Declared Adopted**

18. Request for Noise Ordinance Variance.

Supervisor BRENNAN reviewed the request.

Petitioner Present: Tim Backers of Jay Dee Contractors, Inc.

Board discussion was held regarding the levels of noise from the site, the length the variance is being requested and hours of operation.

Public discussion was held regarding uses of the yard.

**MOTION by MEERSCHAERT seconded by BUCCI to table this matter to the meeting of February 28, 2001 to allow time for additional requested research.**

**MOTION carried.**

19. Request for Sanitary Sewer Diversion Study; Fairways of Macomb Subdivision. Fenn & Associates, Inc., Petitioner.

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by MEERSCHAERT to authorize the Township Engineering firm of Spalding DeDecker to proceed with the Sewer Extension/Diversion Study for The Fairways of Macomb contingent upon the posting of the required four thousand dollars and 00/100 (\$4,000.00) deposit.**

**MOTION carried.**

20. Request for Sanitary Sewer Diversion; Card/21 Shoppes. The Boutrous Companies, Petitioner. (Tabled from the meeting of 1/24/01).

Supervisor BRENNAN reviewed the request and stated that a meeting had been held regarding this matter and that no Board action would be required.

21. Engineering Proposal; Town Center, SOMAT Engineering, Inc., Petitioner.

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Supervisor BRENNAN reviewed the request submitted by SOMAT Engineering and stated his recommendation.

Board discussion was held regarding the Townships Attorney review of the contract.

Public Portion:           None

**MOTION by DUNN seconded by BUCCI to approve the submitted SOMAT Engineering; Town Center Proposal contingent upon the review and approval by Legal Counsel.**

**MOTION carried.**

22.     Request for Temporary Certificate of Occuapancy; D & A Express.   Ali Dimachk, Petitioner.

Supervisor BRENNAN reviewed the request

Public Portion:           None

**MOTION by DUNN seconded by BUCCI to approve the Temporary Certificate of Occupancy; D&A Express for a period of 90 days contingent upon the posting of the required site improvements bond, completion of site improvements and the review and approval of the executed easement by Legal Counsel.**

**MOTION carried.**

23.     Proposal for Updating Master Plan; Community Planning Consultants, Petitioner.

Mr. Bernard Lynden, Planning Consultant, reviewed the request.

Supervisor BRENNAN stated that the last revision was completed in 1994 and is recommended to be updated every 5 years.

Public Portion:           None

**MOTION by DUNN seconded by BUCCI to accept the Proposal and authorize the Planning Consultants to commence with the Updating of the Master Plan.**

**MOTION carried.**

24.     Request release of Subdivision Model Permit Bonds; Strawberry Knoll Subdivision. RCM Homes Inc., Petitioner.

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Supervisor BRENNAN stated the necessary departments had reviewed the request and were recommending approval.

Public Portion:           None

**MOTION by DUNN seconded by MEERSCHAERT to authorize the release of the Subdivision Model Permit Bonds for lot #1; 48883, #2; 48855, #3; 48829, and #4; 48803 Strawberry Knoll Lane located in the Strawberry Knoll Subdivision; RCM Homes, Inc.; in the amount of seven thousand five hundred dollars and 00/100 (\$7,500.00) per model.**

**MOTION carried.**

25.     Request Release of Subdivision Model Permit Bonds; Hickory Creek Subdivision. American Heartland Homes, LLC, Petitioner.

Supervisor BRENNAN stated the necessary departments had reviewed the request and were recommending approval.

**MOTION by DUNN seconded by BUCCI to authorize the release of the Subdivision Model Permit Bond for lot no. 27; 47560 Primm Drive; located in the Hickory Creek Subdivision;**

**American Heartland Homes, LLC; in the amount of seven thousand five hundred dollars and 00/100 (\$7,500.00).**

**MOTION carried.**

26.     Request to adopt Resolution for Speculative Building; Fuciarelli Partnership, Petitioner.

Supervisor BRENNAN reviewed the request.

Larry Dloski, Township Attorney, reviewed the purpose of a Speculative Building request from the developer.

Petitioner Present:     Eric Flynn

Public Portion:           None

Trustee BUCCI stated he was related to the petitioner and that he had no financial interest in the property.

**MOTION by DUNN seconded by MEERSCHAERT to grant the request and adopt the resolution for a Speculative Building Designation for Parcel No. 08-18-400-009 commonly known as 16575- 23 Mile Road for a period of nine (9) years.**

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**FOR THIS MOTION:** DUNN, MEERSCHERT, BUCCI, BRENNAN.  
**OPPOSED:** NONE  
**ABSENT:** SNAY, MALBURG, OLIVER

**RESOLUTION**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **February 14, 2001**, at 7:00 o'clock P.M. Eastern Standard Time.

**PRESENT:** John D. Brennan, Dino F. Bucci, Jr., Janet Dunn, Kenneth Meerschaert, Jr.  
**ABSENT:** Norman J. Snay, Marie E. Malburg, Charles Oliver

The following preamble and resolution were offered by Member DUNN and supported by Member MEERSCHAERT.

**WHEREAS**, Fuciarelli Partnership ("Petitioner") is the owner of land in the Township of Macomb, Macomb County, Michigan, more particularly described in Exhibit "A" attached hereto (the "Land"); and

**WHEREAS**, on **April 10, 1996**, the Township Board established an Industrial Development District pursuant to 1974 PA 198 upon the request of the then owners, Architectural Stainless, Inc., a Michigan Corporation, consisting of the land which is now the subject of the development of an industrial building; and

**WHEREAS**, Petitioner proposes to construct an industrial building(s) of approximately 45,000 square feet on the Land and has requested the Township Board to approve said structure(s) as a Speculative Building as defined in Section 3(8) and upon the conditions as set forth in Section 9(4) of Act 198 supra; and

**WHEREAS**, after examining Petition and being cognizant of the location and character of the structure, the Township Board is desirous of granting said Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN THAT:**

1. The Application of Fuciarelli Partnership to construct a speculative building consisting of approximately 45,000 square feet in area, on land described in Exhibit "A" be and by the same is hereby declared and approved as a Speculative Building pursuant to the provisions of 1974 PA 198.

2. The building shall be designated as a Speculative Building for a period of nine (9) years from and after its construction.

3. That an application for Industrial Facilities Exemption Certificate may be submitted by the first user of such building which qualifies pursuant to the provisions of Act 198 supra.

**AYES:** DUNN, MEERSCHAERT, BUCCI, BRENNAN  
**NAYS:** NONE  
**ABSENT:** SNAY, MALBURG, OLIVER

**RESOLUTION DECLARED ADOPTED.**

**MOTION carried.**

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27. Discussion regarding Compensation for Boards and Commissions, Fire Department and Elected Officials.

Trustee MEERSCHAERT reviewed the Compensation Review 2001 proposal for the Elected Officials, Deputy Officials and Commissioners. Misc.

Supervisor BRENNAN reviewed the two optional methods of compensation review.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to adopt the submitted Macomb Township Compensation Review 2001 Proposal retroactive as of January 1, 2001 as follows:**

<b>Supervisor</b>	<b>\$61,000.00</b>		
<b>Clerk</b>	<b>56,000.00</b>		
<b>Treasurer</b>	<b>56,000.00</b>		
<b>Trustee</b>	<b>6,750.00</b>	<b>plus</b>	<b>\$100.00 per meeting</b>
<b>Deputy Clerk</b>	<b>44,500.00</b>	<b>plus</b>	<b>\$10,500.00 for Computer Administration</b>
<b>Deputy Treasurer</b>	<b>44,500.00</b>		
<b>L.C.C. Commissioner</b>			<b>\$110.00 per meeting</b>
<b>L.C.C. Member</b>			<b>85.00 per meeting</b>
<b>Parks</b>			<b>150.00 per meeting</b>
<b>Planning</b>	<b>2,000.00</b>	<b>plus</b>	<b>100.00 per meeting</b>
<b>Board of Review</b>			<b>27.50 per hour</b>
<b>Zoning Board of Appeals</b>			<b>125.00 per meeting</b>
<b>Building Board of Appeals</b>			<b>100.00 per meeting</b>
<b>Weed Commissioner</b>			<b>17.00 per hour</b>
<b>Dial-a-Ride</b>			<b>13.50 per hour</b>

**MOTION carried.**

Trustee DUNN reviewed the Compensation Review 2001 proposal for the Fire Department.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to adopt the submitted Macomb Township Compensation Review 2001 Proposal for the Fire Department retroactive as of January 1, 2001 as follows:**

<b>Fire Chief</b>	<b>\$60,750.00</b>	<b>plus</b>	<b>650.00 clothing allowance</b>
<b>Asst. Fire Chief</b>	<b>55,000.00</b>	<b>plus</b>	<b>650.00 clothing allowance</b>
<b>Captain</b>	<b>49,500.00</b>	<b>plus</b>	<b>650.00 clothing allowance</b>



MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 14, 2001  
AT 7:00 P.M.

**MOTION carried.**

**BUILDING DEPARTMENT:**

28. Request to hire temporary help during employee medical leave.

Bob Beckett, Building Official, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by MEERSCHAERT to grant the request to hire temporary help during an employees medical leave with the start date to be determined by Bob Beckett as needed.**

**MOTION carried.**

29. Request for Mechanical Inspectors to attend the 2001 Backflow Preventer Training Program.

Bob Beckett, Building Official, reviewed the request and stated the program is required by the state and that the inspectors attending will receive continuing education credits.

**MOTION by MEERSCHAERT seconded by DUNN to approve the attendance of Karl Ryan and Kenneth Borycz to attend the 2001 Backflow Preventer Training Program for the total cost of six hundred twenty three dollars and 00/100 (\$623.00) per inspector plus food and mileage.**

**MOTION carried.**

**WATER/SEWER DEPARTMENT:**

30. Request approval of Change Order #1, Patnick Sanitary Sewer, MA 97-21, MA 00-02.

David Koss, Water/Sewer Department, reviewed the request and stated this change order is the result of the field location underground utility differed from record, therefore the sewer was moved closer to the road.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to approve Change Order No.1; Patnick Sanitary Sewer, MA 97-21, MA 00-02; Pamar Enterprises in the amount of twelve thousand five hundred dollars and 00/100 (\$12,500.00).**

**MOTION carried.**

MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 14, 2001  
AT 7:00 P.M.

31. Request to attend the “2001 Backflow Preventer Training Program”.

David Koss, Water/Sewer Department, reviewed the request and stated that in attending the program, employees will receive ongoing education credits for their “S” Certification with MDEQ.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to approve the attendance of Gary Campbell and Gerald Wangelin to the 2001 Backflow Preventer Training Program for the total cost of one thousand two hundred forty six dollars and 00/00 (\$1,246.00) plus meals and mileage.**

**MOTION carried.**

32. Request approval to seek bids for Sewer Vactor Vehicle.

David Koss, Water/Sewer Department, reviewed the request and stated the need for the proposed equipment and if approved would initiate a program where the vehicle would be used to eliminate other potential problems.

Board discussion was held regarding the use and extent of the Townships need for such a vehicle.

Public discussion was held regarding the costs of hiring an outside service.

**MOTION by BUCCI seconded by DUNN requesting the Water/Sewer contact neighboring communities with similar sewer systems to study how many times in the last year a service has been used for this purpose or have used there own machine.**

**MOTION carried.**

33. Request approval to purchase New Flygt Pump.

David Koss, Water/Sewer Department, reviewed the request and stated its immediate need for the sewer bypass system at the Heydenreich Road Sanitary Sewer.

Public Portion: None

**MOTION by BUCCI seconded by DUNN to approve the purchase of a 4” Flygt Pump from Kennedy Industries for the approximate cost of three thousand eight hundred and 00/100 (\$3,800.00).**

**MOTION carried.**

MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 14, 2001  
AT 7:00 P.M.

34. Approval of Purchase Requisitions:
- a. Contractors Connection
  - b. T.R. Pieprzak Company
  - c. (3) Tim Leslie Tire
  - d. R. Vanderlind and Sons

David Koss, Water/Sewer Superintendent, reviewed the purchase requisition and stated his recommendation to approve.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to approve the payment of the purchase requisition to Contractors Connection for the total amount of one thousand eight hundred fifty dollars and 00/100 (\$1,850.00)**

**MOTION carried.**

**MOTION by BUCCI seconded by MEERSCHAERT to approve the payment of the purchase requisition to T.R. Pieprzak Company for the total amount of four thousand four hundred thirty seven dollars and 25/100 (\$4,437.25).**

**MOTION carried.**

**MOTION by DUNN seconded by BUCCI to approve the payment of the purchase requisitions to Tim Leslie Tire for the total amount of one thousand five hundred eighty dollars and 50/100 (\$1,580.50).**

**MOTION carried.**

**MOTION by DUNN seconded by MEERSHCAERT to approve the payment of the purchase requisition to R. Vanderlind and Sons for the total amount of one thousand four hundred seventy eight dollars and 82/100 (\$1,478.82).**

**MOTION carried.**

**BOARD COMMENTS:**

35. Supervisor's Comments
- a. Appointment of Planning Commission Board Members. (Tabled from the meeting of 1-24-01).  
Tabled
  - b. FMLA (Family Medical Leave Act) request for an Building Department Employee.

MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 14, 2001  
AT 7:00 P.M.

Supervisor BRENNAN reviewed the request.

**MOTION by DUNN seconded by MEERSCHAERT to grant the FMLA (Family Medical Leave Act) request for an Maternity Leave for a Building Department employee.**

**MOTION carried.**

36. Clerk's Comments

None

37. Treasurer's Comments

None

38. Trustee's Comments

Trustee DUNN complimented the Fire Department regarding the current flooding and 26 Mile Road accident.

**EXECUTIVE SESSION:**

39. Sheff v Macomb Township

Tabled as requested by the petitioner.

40. RPP v Macomb Township

Tabled as requested by the petitioner.

**ADJOURNMENT**

**MOTION by MEERSCHAERT seconded by DUNN to adjourn the meeting at 8:34 P.M.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 14, 2001  
AT 7:00 P.M.

Respectfully submitted,

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John D. Brennan, Supervisor

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Norm J. Snay, Clerk

Eva M. Mayer, Recording Secretary

EMM